

PROMETHEUS RADIO PROJECT

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Dear Federal Communications Commission Commissioners and Staff,

Greetings from the Prometheus Radio Project! The Prometheus Radio Project is a grassroots organization that works to promote a more democratic media by helping community groups, at every step of the way, as they build their own radio stations. We promote the right of all citizens to fairly use our public airwaves.

We are **writing to you regarding a serious problem in the FCC's regulation of translator radio service.** We would like to call your attention to a faulty set of regulations, which will significantly impair from the Commission's goals of promoting localism in broadcasting. **Of the hundreds of potential frequencies in urban areas that the Commission intended to allocate to Low Power FM in 2000, probably 70-80% of them will be given away to a handful of speculators if the current translator window is allowed to proceed.** Since the Commission is soon issuing a report to Congress recommending completing the implementation of LPFM, it will be very ironic if there are no frequencies left for communities to apply for. We are asking that you and your staff explore this issue and take action to prevent the misuse of these valuable radio frequencies.

In March of 2003, the Commission opened a new window for applications for translator licenses. Translators are very similar to Low Power FM, fitting on many of the same potential frequencies. **Translators cannot, however, originate their own programming; they must repeat the signal of a full power station.** The translator system was designed in 1970 to help existing stations 'fill-in' coverage blocked by hills, mountains, and other geographic features that prevent stations from reaching their full city of license. Again, these translator/repeaters were only permitted to broadcast the FM signal of the original station.

Translators are now being used as a tool to build loosely regulated radio chains. Out of the 13,000 translator applications received in March by the Commission, **over 50% of them were submitted by just 15 organizations.** Unlike Low Power FM or commercial radio, there is currently no limit on the number of translators that an applicant can own. The national organizations that have applied for these translators are poised to gain thousands more radio stations around the country at the expense of the scarce remaining bandwidth for stations for local broadcasting. For example, **the Radio Assist Ministry has submitted 2454 applications – twice the number of radio stations that the Clear Channel Corporation operates in the United States.**

Translators like Radio Assist Ministry's will operate on many frequencies that the Commission intended to allocate for Low Power FM. Rather than small-scale community use of radio frequencies, the airwaves are poised once again to belong to the radio empires – only this time, satellite fed translator empires. **In 1999, in a study of potential available frequencies for Low Power FM stations, the Commission found 279 channels in 54 fairly representative cities.** After the translator window's applicants take their fill, however, an engineer at REC networks finds that **only 4 of those 279 will still be available.** While these studies used different methodologies, they are still broadly indicative of our point – that potential community licenses are disappearing as we speak.

When allocating frequencies, the Commission puts translators essentially on par with Low Power applicants – on a first-come, first-serve basis. The Commission intended to give low power FM stations the first bite at this apple.

Unfortunately, due to the delay caused by the study imposed by Congress, the FCC just moved on and opened up a window for translator applications, allowing translators to skip the line. We believe that translators should have a secondary status with regard to locally based Low Power stations – if a bonafide local organization wants to use a channel for real, new, local broadcasting, they should not be pre-empted by a repeater. The licensing system as it stands gives preference to remote, out of state organizations looking to rebroadcast on thousands of channels nationwide, rather than to local entities who want just one community radio station.

Prometheus asks that the Federal Communications Commission take measures to prevent this mistake from happening. We recommend that the Commission:

-- Freeze all translator applications until after the Low Power FM proceeding is completed, and the Low Power FM 100-watt licensing window is opened, and closed.

-- Give locally controlled and operated Low Power FM radio stations broadcasting at 100 watts clear priority over distant translators.

-- Use the definition recommended by REC networks – a distant translator is any translator more than 400 kilometers away, and in a different state from the originating signal of the station (for more information and their filings on satellite-fed translators, see REC networks' <http://www.recnet.com/fcc>).

--A numerical cap on the number of translators any single entity can own.

-- Tighten the Low Power FM rules so that only truly local organizations can apply. Some of the satellite operators have also filed Low Power FM applications all over the country!

-- Allow Low Power FM stations to apply under the contour method set forth in the translator rules, giving additional technical flexibility to Low Power FMs. This concept was suggested by many commenters in the Low Power FM proceeding. There are several possible ways the FCC can regulate towards this goal, such as allowing local origination on translators, or adding the contour method based allocations to the Low Power FM rules.

-- Another solution would be to make low power primary to translators, or certain classes of translators- since translators are allowed to use contour studies and directional antennas, they have more options than we do to find another usable frequency. Allow displaced translators to make major changes to other frequencies

The Prometheus Radio Project appreciates your attention to this matter. Attached is a short summary of the current operation and regulation of translator and Low Power FM services. We would like to offer any assistance we can to the Commission as it addresses this issue. We welcome the opportunity to discuss this issue further with any Commissioner or staff.

Thank you for your time.

Pete Tridish, Anthony Mazza, Hannah Sassaman,
and the Board and Staff of the Prometheus Radio Project

Addendum: Background on translators and LPFM + top 15 2003 translator applicants

- ◆ Prior to establishing the rules for low power fm in 2000, the FCC has for many years allowed full power stations to operate a similar radio service known as translators.
- ◆ Translators are governed under a more liberal set of rules than low power fm so it is often possible to get a translator frequency in locations where no low power fm is possible.
- ◆ From a physical standpoint, translators are nearly identical to low power fm radio stations. They use transmitters of similar power (from 10 to 250 watts), broadcast to similar ranges, and create similarly miniscule amounts of interference in the immediate vicinity of the transmitter site.
- ◆ However, translators are allocated by very different rules from fm, because they are only available to incumbent broadcasters – no local origination of content is allowed - the only permissible audio signal is the signal of another radios station.
- ◆ Translators are allocated using a contour overlap method. This means that engineers are allowed to take into account topography. Through use of directional antennas and power reductions, they can often be fit into spaces not available to lpfms. [Reviewing contour overlap applications is more time consuming for commission staff.]
- ◆ Low power fms use a “minimum distance spacing methodology” which takes into account only the distances, relative heights and powers of stations. Thus, even if there is a mountain in between the two stations and there is no physical way that the low power fm can cause interference, low power fms are still prohibited.
- ◆ There is currently a proceeding open to allow any method of content delivery for all translators, RM-10609 The current exemption is limited to translators in the non-commercial band, from 88-92, and it has had terrible results there. The exemption should definitely **not** be extended to the commercial band.

Translator applications from spring 2003 application window.

Radio Assist Ministry 2454
Edgewater Broadcasting Inc. 1766
Educational Media Foundation 875
Calvary Chapel of Twin Falls, Inc. 271
Covenant Network 257
Educational Communications of Colorado Springs 165
Way FM Media Group 158
Robert J. Connelly Jr. 124
Turquoise Broadcasting Company LLC 118
CSN International 114
Radio Training Network 114
Indiana Community Radio Corp. 111
Big Bend Broadcasting 104
Public Broadcasting of Eastern Indiana 104
Edward A. Schober 103
TOTAL FROM THE 100+ APPLICANTS 6838
All other applications 6507
TOTAL APPLICATIONS FILED 13345

Over 50% of the applicants were filed by 15 parties.